

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 18, 2009 at 7:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 171, 2/12/2009; HB 417,
2/12/2009; HB 544, 2/12/2009; HJ
19, 2/12/2009

Executive Action: HB 496, HB 565, HB 542, HB 587,
HB 518, HB 171, HJ 19

EXECUTIVE ACTION ON HB 565

00:01:10 **Motion:** Rep. Reinhart moved that **HB 565 DO PASS.**
EXHIBIT(buh38a01)

00:02:38 Rep. Reinhart withdraws motion.

EXECUTIVE ACTION ON HB 542

00:02:59 **Motion:** Rep. Vance moved that **HB 542 DO PASS.**
EXHIBIT(buh38a02)

00:03:56 Mr. Campbell

00:04:11 **Motion:** Rep. Vance moved that **HB 542 BE AMENDED.**

Discussion:

00:04:18 Mr. Campbell
00:05:49 Rep. Reichner
00:05:59 Rep. Vance
00:06:07 Rep. Furey
00:06:36 Rep. Vance

00:07:22 **Vote:** Motion carried unanimously by voice vote.

00:07:41 **Motion:** Rep. Vance moved that **HB 542 DO PASS AS**
AMENDED.

Discussion:

00:07:51 Rep. B. Beck
00:08:53 Rep. Welborn
00:09:24 Chairman Wilson
00:09:32 Rep. Vance

00:10:24 **Vote:** Motion failed 9-9 by roll call vote. Rep. Reinhart, Rep. Arntzen, Rep. Furey, Rep. Hunter, Rep. Klock, Rep. Noonan, Rep. Vance, Rep. Welborn, Rep. Wilson voting aye.

EXECUTIVE ACTION ON HB 565

00:12:01 **Motion:** Rep. Furey moved that **HB 565 DO PASS.**

00:12:22 **Motion:** Rep. Furey moved that **HB 565 BE AMENDED.**

00:14:56 **Vote:** Motion carried unanimously by voice vote.

00:15:09 **Motion:** Rep. Furey moved that **HB 565 DO PASS AS AMENDED.**

Discussion:

00:17:24 Mr. Campbell
 00:17:55 Rep. Furey
 00:17:57 Rep. Vance
 00:18:13 Rep. Furey
 00:18:13 Rep. Vance
 00:18:18 Rep. Furey
 00:18:52 Rep. Reinhart
 00:18:57 Rep. Furey
 00:19:27 Rep. Arntzen
 00:20:00 Rep. Reichner
 00:20:12 Rep. Furey
 00:20:16 Chairman Wilson
 00:20:47 Rep. Furey withdrew his motion.

EXECUTIVE ACTION ON HB 518

00:21:33 **Motion:** Rep. Reinhart moved that **HB 518 DO PASS.**

00:21:54 **Motion:** Rep. Berry moved that **HB 518 BE AMENDED.**

Discussion:

00:22:21 Mr. Campbell
 00:24:45 Rep. Milburn
 00:25:03 **Vote:** Motion failed 1-17 by voice vote. Rep. Arntzen voting aye.
 00:25:26 **Motion/Vote:** Rep. Milburn moved that **HB 496 BE TABLED AND THE VOTE REVERSED.** Motion carried 17-1 by voice vote. Rep. Arntzen voting no.

EXECUTIVE ACTION ON HB 587

00:27:01 **Motion:** Rep. Reinhart moved that **HB 587 DO PASS.**

00:27:54 **Motion:** Rep. Arntzen moved that **HB 587 BE AMENDED.**
EXHIBIT(buh38a03)

Discussion:

00:28:09 Mr. Campbell

00:29:36 Rep. Arntzen

00:30:08 **Vote:** Motion carried unanimously by voice vote.

00:30:25 **Motion:** Rep. Arntzen moved that **HB 587 DO PASS AS AMENDED.**

Discussion:

00:30:36 Rep. Hunter

00:31:30 Rep. Arntzen withdraws motion of do pass as amended.

EXECUTIVE ACTION ON HB 496

00:32:03 **Motion:** Rep. Reinhart moved that **HB 496 DO PASS.**

00:32:22 **Motion:** Rep. Arntzen moved that **HB 496 BE AMENDED.**
EXHIBIT(buh38a04)

Discussion:

00:32:34 Mr. Campbell

00:32:54 **Vote:** Motion carried unanimously by voice vote.

00:33:11 **Motion:** Rep. Arntzen moved that **HB 496 DO PASS AS AMENDED.**

00:33:30 **Vote:** Motion failed 6-12 by roll call vote with Rep. Arntzen, Rep. Beck, Rep. Berry, Rep. Klock, Rep. Smith, and Rep. Vance voting aye.

00:34:43 **Motion/Vote:** Rep. Reinhart moved that **HB 496 BE TABLED AND THE VOTE REVERSED**. Motion carried 10-8 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, Rep. Welborn, and Rep. Wilson voting no.

00:36:22 Chairman Wilson calls a recess.

00:55:40 Chairman Wilson resumes hearing.

HEARING ON HB 417

Opening Statement by Sponsor:

00:56:15 Rep. Sue Malek (D), HD 98, opened the hearing on HB 417, Registration and regulation of home inspectors.

Proponents' Testimony:

00:58:39 Steve Jacoby, President, Montana Association of Realtor Inspectors

EXHIBIT (buh38a05)

01:01:16 Keith Allen, International Brotherhood of Teamsters, Local 233

01:02:25 Dick Graf, Home Inspector

01:04:37 Jim Funkhouser, President, National Home Inspectors Board

Opponents' Testimony:

01:06:02 Margaret Morgan, American Institute of Architects

01:07:26 Bruce Kirby, International Association of Certified Home Inspectors

EXHIBIT (buh38a06)

01:20:09 Judy Kirby, Self

Informational Testimony:

01:20:24 Dave Cook, Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

01:20:39 Rep. Milburn

01:20:55 Mr. Cook

01:21:11 Rep. Milburn

01:21:37 Rep. Malek

01:22:10 Rep. Milburn

01:22:16 Rep. Malek

01:22:38 Mr. Jacoby

01:23:37 Rep. Milburn
01:23:55 Mr. Cook
01:24:29 Rep. Milburn
01:24:33 Rep. P. Beck
01:25:52 Mr. Jacoby
01:28:33 Rep. P. Beck
01:28:53 Mr. Jacoby
01:30:06 Rep. P. Beck
01:30:14 Mr. Jacoby
01:31:05 Rep. Boland
01:31:26 Mr. Jacoby
01:32:15 Rep. Smith
01:32:23 Mr. Campbell

Closing by Sponsor:

01:33:09 Rep. Malek

HEARING ON HB 544

Opening Statement by Sponsor:

01:34:39 Rep. Chas Vincent (R), HD 2, opened the hearing on
HB 544, Require insurers to refund prepaid premiums
without fees or penalties.

Proponents' Testimony:

01:36:59 Frank Cote, Blue Cross Blue Shield Montana

Opponents' Testimony:

01:38:24 Greg VanHorssen, State Farm Insurance
01:40:27 Bruce Spencer, Property Casualty Insurance of America
01:42:43 Jon Meteropoulos, Farmers Insurance
01:42:58 Jaqueline Lenmark, American Insurance Association
01:43:55 Bob Biskupiak, Independent Insurance Agents Association
of Montana

Informational Testimony: None

Questions from Committee Members and Responses:

01:44:25 Rep. Arntzen
01:44:53 Rep. Vincent
01:45:13 Rep. B. Beck
01:45:25 Rep. Vincent
01:45:32 Rep. B. Beck
01:45:36 Rep. Vincent

Closing by Sponsor:

01:45:53 Rep. Vincent

HEARING ON HB 171

Opening Statement by Sponsor:

01:46:48 Rep. Shannon Augare (D), HD 16, opened the hearing on HB 171, Repeal state regulation of pro and semipro combative events.

Proponents' Testimony:

01:48:23 Jack Kane, Chief, Weights and Measures Bureau, DLI

Opponents' Testimony: None

Informational Testimony:

01:56:39 Wayne Johnstone, Executive Director, Montana Athletic Program

Questions from Committee Members and Responses:

01:56:58 Rep. Arntzen
01:57:20 Mr. Kane
01:57:30 Rep. Arntzen
01:57:36 Mr. Kane
01:57:44 Rep. Arntzen
01:57:52 Mr. Kane

Closing by Sponsor:

01:58:07 Rep. Augare
01:58:55 Rep. Milburn
01:59:01 Chairman Wilson

EXECUTIVE ACTION ON HB 171

01:59:25 **Motion:** Rep. Augare moved that **HB 171 DO PASS.**

01:59:36 **Vote:** Motion carried unanimously by voice vote.

01:59:59 Chairman Wilson calls a recess.
02:24:16 Chairman Wilson resumes hearing.

HEARING ON HJ 19

Opening Statement by Sponsor:

02:24:48 Rep. Michele Reinhart (D), HD 97, opened the hearing on HJ 19, Trade, federalism, and democracy resolution.

Proponents' Testimony:

02:31:05 Wade Sikorski, Self

Opponents' Testimony:

02:32:02 Webb Brown, Montana Chamber of Commerce
02:38:38 Nancy Schlepp, Montana Farm Bureau Federation
[EXHIBIT](#)(buh38a07)

Informational Testimony: None

Questions from Committee Members and Responses:

02:41:39 Rep. Smith
02:41:56 Mr. Brown
02:42:16 Rep. Smith
02:42:22 Mr. Brown
02:42:52 Rep. Smith
02:42:58 Mr. Brown
02:43:27 Rep. B. Beck

Closing by Sponsor:

02:44:17 Rep. Reinhart

EXECUTIVE ACTION ON HJ 19

02:47:11 **Motion:** Rep. Reinhart moved that **HJ 19 DO PASS.**

Discussion:

02:47:40 Rep. B. Beck
02:48:31 Rep. Welborn
02:49:56 Rep. Arntzen
02:50:27 Rep. Reinhart

02:52:11 **Vote:** Motion failed 7-11 by roll call vote with Rep. Augare, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Arntzen voting by proxy.

02:53:19 **Motion/Vote:** Rep. Reinhart moved that **HJ 19 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Arntzen voting by proxy.

EXECUTIVE ACTION ON HB 587

02:53:48 **Motion:** Rep. Reinhart moved that **HB 587 DO PASS**.

02:54:25 **Substitute Motion/Vote:** Rep. Augare made a substitute motion that **HB 587 BE TABLED**. Substitute motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Arntzen voting by proxy.

Discussion:

02:56:12 Mr. Campbell

02:56:31 **Motion/Vote:** Rep. Milburn moved that **HB 587 DO PASS**. Motion failed 9-9 by roll call vote with Rep. Beck, Rep. Berry, Rep. Klock, Rep. Milburn, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting aye. Rep. Arntzen voted by proxy.

02:58:05 **Motion/Vote:** Rep. Reinhart moved that **HB 587 BE TABLED AND THE VOTE REVERSED**. Motion carried 10-8 by voice vote with Rep. Arntzen by proxy, Rep. Beck, Rep. Berry, Rep. Klock, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting no. Rep. Arntzen voted by proxy.

Discussion:

02:59:22 Rep. Welborn

02:59:36 Chairman Wilson

ADJOURNMENT

03:00:04 Adjournment: 10:00 A.M.

Santella Baglivo, Secretary

sb

Additional Documents:

EXHIBIT ([buh38aad.pdf](#))